

REMARKS

Review and reconsideration of the Office Action dated April 14, 2008, is respectfully requested in view of the above amendments and the following remarks.

Claims 1-2 have been amended to overcome the formalities rejections. Claim 3 has been cancelled.

No new matters have been added to the Abstract or the claims by the present amendment.

For the reasons set forth below, Applicant believes that the pending set of claims is now in condition for allowance.

Office Action

Turning to the Office Action, the paragraphing of the Examiner is adopted.

Paragraph 1 (Formalities- Specification)

The Examiner objected the Abstract of Disclosure because of informalities.

The position of the Examiner can be found on page 2 of the Office Action.

In response, Applicants are submitting herewith a replacement Abstract. Entry of the replacement Abstract is respectfully requested.

Paragraph 2 (Formalities- Claims)

The Examiner rejects Claims 1-3 under 35 U.S.C. § 112, second paragraph as being indefinite.

The position of the Examiner can be found on page 2 of the Office Action.

In response, Applicant has amended the claims to overcome the formalities rejection.

Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

Paragraphs 3-4 (Obviousness)

The Examiner rejects Claims 1-3 under 35 U.S.C. § 103 as being obvious over Orikasa et al. (US 2003/0039938 A1), hereinafter Orikasa, in view of Hanson (US 4,248,588 A1), hereinafter Hanson.

The position of the Examiner can be found on pages 3-4 of the Office Action.

Applicant respectfully traverses.

Applicant notes that Claim 1 recites:

A self-ligating bracket system comprised of: a platform (2), and a closure element (4),

said platform having a rounded dental surface (22) consisting of horizontal cementing slots (26), and a labial surface (23) having a first protruding element and a second protruding element (3);

the first protruding element comprising a wedge (27) which protrudes from an upper central surface of said labial surface (23);

and the second protruding element (3) comprising occlusal flange (34) being centrically joined to the lower surface of said labial surface (23), forming a pair of guides (35) thereon and containing an arch groove (37);

said closure element (4) comprising a locking cap (41), a hooking notch (49) and two lateral runners (42), whose longitudinal section has a long polygonal shape and has two slightly wedged areas at the gingival and occlusal ends; each lateral runner (42) having a joining notch (47).

Claim 2 recites:

A self-ligating bracket with lateral runners in accordance with claim 1, including a retention bar (50) which is welded onto joining notches (47) of the runners (42) of said closure element (4).

Without conceding the propriety of the asserted combination, however, Applicant respectfully submits that the asserted combination does not disclose at least the aforementioned features of claims 1-2, for at least the following reasons.

Regarding claims 1-2, the Office Action states:

- 1) the curved portions 24 of Orikasa constitute prior art to Applicant's lateral runners 42
- 2) the support bar 220 of Orikasa constitutes prior art to Applicant's retention bar 50
- 3) the recesses 30 of Hanson constitute prior art to Applicant's slots 26
- 4) two distinct protruding elements disclosed by Applicant, retention clip 27 and flange 34, as opposed to a single continuous element, bracket main body 12, in Orikasa's disclosure

Applicant respectfully traverses the aforementioned rejection under 35 U.S.C. § 103 of claims 1-3 and will state relevant differences between the aforementioned elements of Applicant's invention and the combined teachings of Orikasa and Hanson in the following comments, in the order established above.

Regarding the lateral runners (Fig. 5, element 42), Orikasa's curved portions 24, as seen in Fig. 1 (Orikasa, [0068]), have flatly shaped ends. The flatly shaped ends can also be seen in Fig. 2 (elements 21 and 22) of Orikasa's disclosure. Applicant's claimed lateral runners 42, however, include a joining notch 47, as can be seen in Fig. 5. The joining notch enables the lateral runners to accommodate a cylindrical retention bar 50, as depicted in Fig. 5. There is no mention in the Office Action as to what element, whether disclosed by Orikasa or Hanson, constitutes prior art with respect to the aforementioned joining notch (Fig. 5, element 47). Therefore, Applicant's lateral runners 42 and the joining notch 47 are an improvement over the prior art of record since said joining notch serves to accommodate a retention bar (Fig. 5, element 50) that effects a passive orthodontic treatment (See Applicant's Specification, Page 4, Lines 5-12).

Regarding the retention bar disclosed by Applicant (Fig. 5, element 50), Orikasa's support bar as seen in Fig. 10B, element 220, is located on a superior part of clip 200. This is in opposition to being attached or welded on to an inferior part or end of two lateral runners, as is the retention bar claimed by Applicant (See Applicant's Specification, Page 4, Lines 5-12 and

Figs. 4 and 5, elements 42, 47 and 50), which effectively joins the two runners 42. Furthermore, the support bar disclosed by Orikasa is a tab that is inserted in catching recess 180 (see Orikasa, 'sliding rotation supporter 220 is engaged with a catching recess 180', [0114]), in contrast to Applicant's retention bar which is attached by welding to the joining notch 47 after closure element 4 is applied, joining the ends of the aforementioned lateral runners and thus not being inserted in any recess, whether at a superior or at a bottom of a closure element. Joining the runners through the use of a retention bar ensures that a prescribed amount of space is physically reserved for the archwire; said reserved space being necessary in order to achieve a passive orthodontic treatment. Therefore the retention bar as claimed by Applicant is inherently distinguishable by virtue of its functionality and mechanism from the support bar disclosed by Orikasa. Furthermore the retention bar disclosed by Applicant is an improvement over the prior art of record because it serves to join two lateral runners in a manner which ensures useful space for the archwire (See Applicant's Specification, Page 4, Lines 5-8).

Regarding the slots (Figs. 1-3, element 26), Hanson's recesses 30 are fully etched in the base as seen in Fig. 3 of Hanson's disclosure (base 26 and recesses 30). In contrast, Applicant's slots (Figs. 1 and 2, elements 26) are horizontally (emphasis added) continuous throughout the base (See Figs. 1-3, element 26, and Fig. 6, Applicant's Specification, Page 5, Lines 9-10, and presently amended claim 1) and are not fully etched in the cementing pad in the window-like or recess manner disclosed by Hanson. Therefore the horizontal cementing slots disclosed by Applicant are inherently distinguishable over the prior art

of record. Moreover, the horizontal slots as disclosed by Applicant are an improvement over the prior art of record since they serve to adhere the base of the bracket to the tooth, be it through drilling, laser or electrochemical procedures (See Applicant's Specification, Page 5, Lines 9-10).

Moreover, Applicant would like to point out that the bracket body disclosed in the present invention comprises two distinct protruding elements ('retention clip 27' and 'occlusal flange for conventional ligatures 34', Page 6, Lines 24-30 of Applicant's disclosure, also see elements 27 and 34 in Fig. 3), in contrast to a single and continuous protruding element ('bracket main body 12', [0054], see element 12 in Fig. 2 of Orikasa's disclosure) in the bracket body disclosed by Orikasa. Finally, the teachings of Hanson do not cover the deficiencies found in Orikasa's art.

Accordingly, favorable reconsideration and withdrawal of the rejection of claims 1-2 under 35 U.S.C. § 103 are respectfully requested.

Paragraph 5 (Obviousness)

The Examiner rejects Claims 1-3 under 35 U.S.C. § 103 over Hanson (US 4,248,588 A1), hereinafter Hanson, in view of Orikasa et al. (US 2003/0039938 A1), hereinafter Orikasa.

The position of the Examiner can be found on pages 4-5 of the Office Action.

Applicant respectfully traverses.

Applicant notes that Claim 1 recites:

A self-ligating bracket system comprised of: a platform (2), and a closure element (4),

said platform having a rounded dental surface (22) consisting of horizontal cementing slots (26), and a labial surface (23) having a first protruding element and a second protruding element;

the first protruding element comprising a wedge (27) which protrudes from an upper central surface of said labial surface (23);

and the second protruding element comprising 34 being centrically joined to the lower surface of said labial surface (23), forming a pair of guides (35) thereon and containing an arch groove (37);

said closure element (4) comprising a locking cap (41), a hooking notch (49) and two lateral runners (42), whose longitudinal section has a long polygonal shape and has two slightly wedged areas at the gingival and occlusal ends; each lateral runner (42) having a joining notch (47).

Claim 2 recites:

A self-ligating bracket with lateral runners in accordance with claim 1, including a retention bar (50) which is welded onto joining notches (47) of the runners (42) of said closure element (4).

Without conceding the propriety of the asserted combination, however, Applicant respectfully submits that the asserted combination does not disclose at least the aforementioned features of claims 1-2, for at least the following reasons.

Regarding claims 1-3, the Office Action states:

- 1) the flanges 22 disclosed by Hanson constitute prior art to Applicant's guides 35
- 2) part 68 disclosed by Hanson constitutes prior art to Applicant's hooking notch 27
- 3) no prior art cited with regards to retention bar 50

Applicant respectfully traverses the aforementioned rejection under 35 U.S.C. § 103 of claims 1-3 and will state relevant differences between the aforementioned elements of Applicant's invention and the combined teachings of Hanson and Orikasa in the following comments, in the order established above.

Regarding the flanges 22 as disclosed by Hanson (Fig. 3, element 22), these extend from the dental wall of the bracket body (see Fig. 3, element 22). In contrast, Applicant's guides are formed by a lower protruding body (occlusal flange 34, Fig. 3) on the labial surface 23 (Fig. 3), thus being on a frontal area of the bracket, as opposed to a posterior area, as are the flanges disclosed by Hanson. Moreover the flanges disclosed by Hanson do not serve to accommodate a runner, as do the guides 35 disclosed by Applicant (Fig. 3). Therefore the flanges 22 do not constitute prior art with respect to the guides 35 as disclosed by Applicant.

Regarding part 68 disclosed by Hanson (Fig. 2), it is located on an inferior part of a retainer member 48 (Hanson, Col. 3, Line 53; Fig. 2). This is in opposition to the hooking notch 49 disclosed by Applicant, which is located on a superior

part of the closure element 4 (see element 49 in Fig. 4 of Applicant's disclosure). Therefore the part 68 does not constitute prior art with respect to the hooking notch 49 as disclosed by Applicant.

Finally, there is no mention in the 35 U.S.C. § 103 rejection (Hanson in view of Orikasa) as to what element constitutes prior art with respect to the retention bar 50 disclosed by Applicant (Fig. 5, element 50). Therefore the combined teachings of rejection are deficient with regards to said retention bar.


Moreover, the teachings of Hanson do not cover the deficiencies found in Orikasa's art.

Accordingly, favorable reconsideration and withdrawal of the rejection of claims 1-2 under 35 U.S.C. § 103 are respectfully requested.

Should further issues remain prior to allowance, the Examiner is respectfully requested to contact the undersigned at the indicated telephone number.

Respectfully submitted,

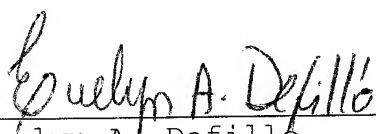
Defillo & Associates, Inc.
4922 Eagle Cove South Drive
Palm Harbor, Florida 34685
(727) 772-5916


Evelyn A. Defillo
Registration No. 45,630

Date: July 14, 2008

ELECTRONIC FILING CERTIFICATE

I HEREBY CERTIFY that the foregoing Amendment A for US patent Application No. 10/582,095 filed June 08, 2006, is being electronically filed with the United States Postal Service on July 14, 2008.



Evelyn A. Defillo